THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION.No.20975 OF 2005

Dt:27.09.2005

Between:

M.Venkateshwarlu

.. Petitioner

and

The Vice Chairman and another

.. Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION.No.20975 OF 2005

ORDER:

The petitioner claims to be the Secretary of B.C., S.C., S.T., and Minorities Iyka Vedika, Nellore. The first respondent issued a tender notice, dated 06.09.2005, notifying tenders for the sale of about 1,00,000 M.Tons of Eucalyptus timber. The

grievance of the petitioner is that no special provision is made in favour of S.C., S.T., or B.Cs., in the matter of submission of tenders.

The learned counsel for the petitioner submits that for various works undertaken by the Government and public-sector undertakings, special provision is made, either reserving the percentage of work in favour of weaker sections or relaxing the conditions such as deposit of E.M.D., etcetera for such sections. He contends that the material to be supplied, under the tender notice, dated 06.09.2005, is mostly grown in tribal areas and the respondents ought to have made a provision to encourage the scheduled castes, scheduled tribes and backward classes either by providing reservation or relaxing certain conditions.

The learned standing counsel appearing for the respondents, on the other hand, submits that the sale of Eucalyptus is a pure commercial activity and there is no element of either manual labour or purchase of any product, specially grown in tribal areas. He contends that Eucalyptus is available in planes and other areas and the participation would depend upon the ability of the persons to purchase the material.

It is true that the Government and public sector undertakings provide certain benefits in favour of the persons belonging to scheduled castes and scheduled tribes in the matter of awarding contracts. For example, in contracts, involving the manual labour such as laying roads, preference is given to the societies formed by the persons belonging to such categories and even the requirement of payment of E.M.D., is relaxed either partly or in its entirety. However, much would depend upon the nature of work proposed to be undertaken.

The instant tender is the one for a commercial activity, pure and simple. The present tender is for sale of Eucalyptus wood grown at various places in the reserved forests. The petitioner is not able to demonstrate as to how the interests of the weaker sections would be advanced, if any special provision is made to enable them to purchase the said product. The product is purchased mainly by the manufacturers of paper or other industrialists. An individual or a society unconnected with such activity hardly has any role to play in the matter. At any rate, the petitioner has filed this writ petition in his individual capacity. Therefore, this Court is not inclined to grant any relief in this writ petition.

The writ petition is accordingly dismissed.

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27.09.2005

kdl